

Discussion

Station WAMJ operates on FM Channel 298A at Roswell, Georgia from a transmitter location meeting all separation requirements of the Commission's Rules. WAMJ presently operates with approximately maximum Class A transmitting facilities (i.e., with an ERP of 6 kW (maximum permitted for Class A stations) and with an antenna HAAT of 98 meters (i.e., only 2 meters less than the 100 meters height allowed for a 6 kW Class A station)). From this presently authorized transmitter location and with these transmitting facilities, WAMJ provides Roswell with the required principal community signal level contour.

Station WAMJ proposes a one-step upgrade from Class A to Class C3 status on Channel 298. In order to accomplish such an upgrade, the applicant must show that there is a site available at which all Commission separation requirements are met, and that the requisite principal community contour (i.e., 3.16 mV/m) will be provided to all of the city of license (See Sections 73.207 and 73.316 of the Commission Rules). Dogwood makes such a claim in its upgrade application, employing geographic coordinates of 33° 59' 11" North Latitude, 84° 21' 06" West Longitude for its proposed allotment reference point. At this reference point, Dogwood claims the WAMJ channel 298C3 allotment would meet all of the Commission's applicable separation requirements, including the separation to the WPEZ Channel 300C1 reference point for Hampton. An application for WAMJ as a Class C3 station on channel 298 at this Roswell Georgia reference site, would not be

considered mutually exclusive with the USBLP rule making proposal.

However, presumably to better penetrate the Atlanta Urbanized Area in which WAMJ is located, Dogwood now proposes, in its upgrade application for WAMJ, not only a fully spaced reference site, but also a non-fully spaced transmitter site for the WAMJ Class C3 upgrade which is short-spaced to first lower adjacent channel station WCGQ(FM) on Channel 297C at Columbus, Georgia, and with the USBLP rule making reference point for Channel 300C1 at Hampton. In its upgrade application, Dogwood invokes the contour protection provisions of Section 73.215 of the Commission's Rules with regard to the WCGQ short spacing. Dogwood requests as its counterproposal that the reference point for WPEZ on Channel 300C1 at Hampton, Georgia be modified to accommodate Dogwood's proposed transmitter site which it has selected for WAMJ's proposed Class C3 operation. Dogwood then claims mutual exclusivity as between its own chosen proposed transmitter site for the upgraded WAMJ on the one hand, and USBLP's Hampton proposal on the other hand.

WAMJ, at its currently authorized transmitter location as specified in its construction permit, can operate as a Class C3 station employing the contour protection provisions of Section 73.215 of the Commission's Rules. According to the Commission's FM database, station WAMJ has constructed and is operating under automatic Program Test Authority (PTA) pending Commission action on its license application (FCC File No. BLH-971222--). There is no need for WAMJ to change its established transmitter

site, at which Class C3 facilities of 25 kilowatts and HAAT of 98 meters are possible. The antenna HAAT is only 2 meters lower than the maximum permitted Class C3 height of 100 meters with an ERP of 25 kW. Operating as a Class C3 station at its currently authorized transmitter site for Channel 298A, WAMJ would be short spaced to WCGQ at Columbus, Georgia by only 0.2 kilometer, and to the WPEZ reference point for Channel 300C1 at Hampton by only 0.5 kilometer. WAMJ has shown a willingness in its upgrade application to use the contour protection provisions of Section 73.215 of the Commission's Rules and is capable of doing so at the existing WAMJ transmitter site in order to achieve Class C3 status on Channel 298 at Roswell. Use of the existing WAMJ transmitter site for WAMJ's proposed Class C3 operation would not be mutually exclusive with the WPEZ proposal for Channel 300C1 at Hampton.

There is no need to modify the WPEZ reference coordinates for Hampton since both the authorized WAMJ site, and a theoretical reference site for Roswell, Georgia meeting all separation requirements, are available to WAMJ.

If Dogwood utilizes contour protection, under Section 73.215 of the Commission's Rules, to protect both WCGQ and USBLP's Hampton proposal, no modification of the Hampton Channel 300C1 reference coordinates would be required. Similarly, no modification of USBLP's proposed Hampton channel 300C1 reference coordinates would be required if WAMJ could operate as a Class C3 station on a non-conflicting channel. However, a Class C3 channel search conducted by this firm does not reveal the availability of an alternative Class C3 channel for WAMJ.

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Hampton, Georgia

Even if the Commission did not require Dogwood to utilize the contour protection provisions of Section 73.215 toward both WCGQ and WPEZ's Channel 300C1 Hampton proposal, none the less, a modification of the Hampton channel 300C1 reference coordinates should only be required for a relocation of 0.5 kilometer to reflect protection from WAMJ's existing transmitter site. Revised channel 300C1 Hampton reference coordinates on this basis would be: 33° 15' 10", 84° 26' 18".

In its counterproposal, Dogwood requests that USBLP's rule making proposal be denied, or alternatively, the Commission utilize as the Hampton Channel 300C1 reference point the following coordinates: 33° 11' 00", 84° 08' 00". Dogwood states that its alternative reference point for Channel 300C1 at Hampton is 29.7 kilometers (18.5 miles) east-southeast of the allotment reference point specified in the Commission's NPRM and proposed by USBLP. Dogwood further notes that its proposed alternative reference point for channel 300C1 at Hampton is 6.1 kilometers (3.8 miles) further from Hampton than the current reference point.

All that the Commission needs to be concerned with in the MM Docket No. 98-18 NPRM proceeding is whether there is a conflict between the allotment reference points for USBLP's proposal on channel 300C1 at Hampton and Dogwood's proposal on channel 298C3 at Roswell. The 2 allotment reference points are separated by 81.2 kilometers which meets the Commission's minimum separation requirement specified in Section 73.207 of the Rules (i.e., 76 km).

The Hampton-Roswell situation is covered under "Example 2" identified in the Commission's August 31, 1993 Public Notice concerning the treatment of conflicts between rule making petitions and "one step" FM applications. The Hampton rule making petition was filed by USBLP in November 1997. The Hampton NPRM (MM Docket No. 98-18) was adopted on February 11, 1998 and released on February 20, 1998. The comment date for the NPRM was April 13, 1998 with reply comments due April 28, 1998. Dogwood's one step upgrade application for WAMJ on Channel 298C3 (FCC File No. BPH-980309IE) was filed on March 9, 1998. Dogwood's Comments and Counterproposal were filed on April 13, 1998. From the chronology, the WAMJ one-step application (X) may arguably have been timely with respect to the period for filing counterproposals to the Hampton petition (V). WAMJ's proposed Class C3 site (X-2) is short-spaced to the Hampton allotment reference site (V), and the WAMJ application does not propose to protect the USBLP petition site (V) in accordance with the contour protection provisions of Section 73.215 of the Commission's Rules. The WAMJ upgrade allotment reference site (X-1) is properly spaced with respect to the USBLP petition site (V). In this situation, the Commission has held, in Example 2 of its aforementioned August 31, 1993 Public Notice, that an application such as Dogwood's upgrade application for WAMJ (X) must be held in abeyance pending the outcome of the rule making proceeding (assuming, of course, that the application is not dismissed as being inconsistent with Commission Rules and policies). When the instant rule making proceeding is terminated, the application is processed consistent with the outcome of the rule making, if the upgrade application has not otherwise been dismissed.

Dogwood suggests that the Commission should choose between a new local radio service for Hampton, Georgia or an upgrade for Roswell, Georgia. The Commission's preference in this situation has been predominantly for the new local service. This would grant USBLP's proposed Hampton channel 300C1 allotment and deny Dogwood's proposed WAMJ upgrade which has the less favorable other public interest grounds. However, since the allotment reference points for USBLP's proposal and Dogwood's proposal are met, the Commission can grant both allotments and provide WAMJ with the opportunity to amend its application to protect the Hampton allotment. As shown above, WAMJ's existing site would enable Dogwood to comply fully with the Commission Rules and to protect the USBLP rule making proposal for Channel 300C1 at Hampton, as would Dogwood's proposed allotment reference site for Channel 298C3 and other properly spaced sites.

Conclusion

The upgrading of WAMJ from Class A to Class C3 can be accomplished at the allotment reference point selected for the one-step upgrade application, or at the existing WAMJ transmitter site or other properly spaced sites, with use of the provisions from Section 73.215 of the Commission's Rules. There is no basis for Dogwood's claim that its proposal for WAMJ's upgrade to Class C3 status must be viewed as being mutually exclusive with the Hampton rule making proceeding for WPEZ. As shown above, both allotment proposals can be granted consistent with the Commission's Rules and policies, if the Commission were to grant the WAMJ upgrade application at the Channel 298C3

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reference point coordinates for Roswell, Georgia (33° 59' 11", 84° 21' 06") rather than at the Dogwood's proposed transmitter site.

The Commission need not consider the mutually exclusive issue if it concludes the WAMJ upgrade application is unacceptable. Dogwood's upgrade application proposes a transmitter site that is short-spaced and unusable under Commission Rules and policies with respect to USBLP's proposal for Channel 300C1 at Hampton, Georgia.

Furthermore, the Commission does not need to reach the mutually exclusive issue when it compares the allotment preferences of a first local radio service to Hampton, Georgia as proposed by USBLP, versus Dogwood's other public interest grounds for improving existing WAMJ service to the well-served Atlanta market.

Accordingly, the WAMJ upgrade application should be dismissed as unacceptable for filing, and should not be considered by the Commission in the instant rule making proceeding.

Louis R. du Treil
Louis R. du Treil, Sr. JAL

du Treil, Lundin & Rackley, Inc.
240 N. Washington Blvd., Suite 700
Sarasota, Florida 34236

(941) 366-2611

April 27, 1998

Exhibit 2

DECLARATION

The undersigned does hereby declare, certify and state as follows:

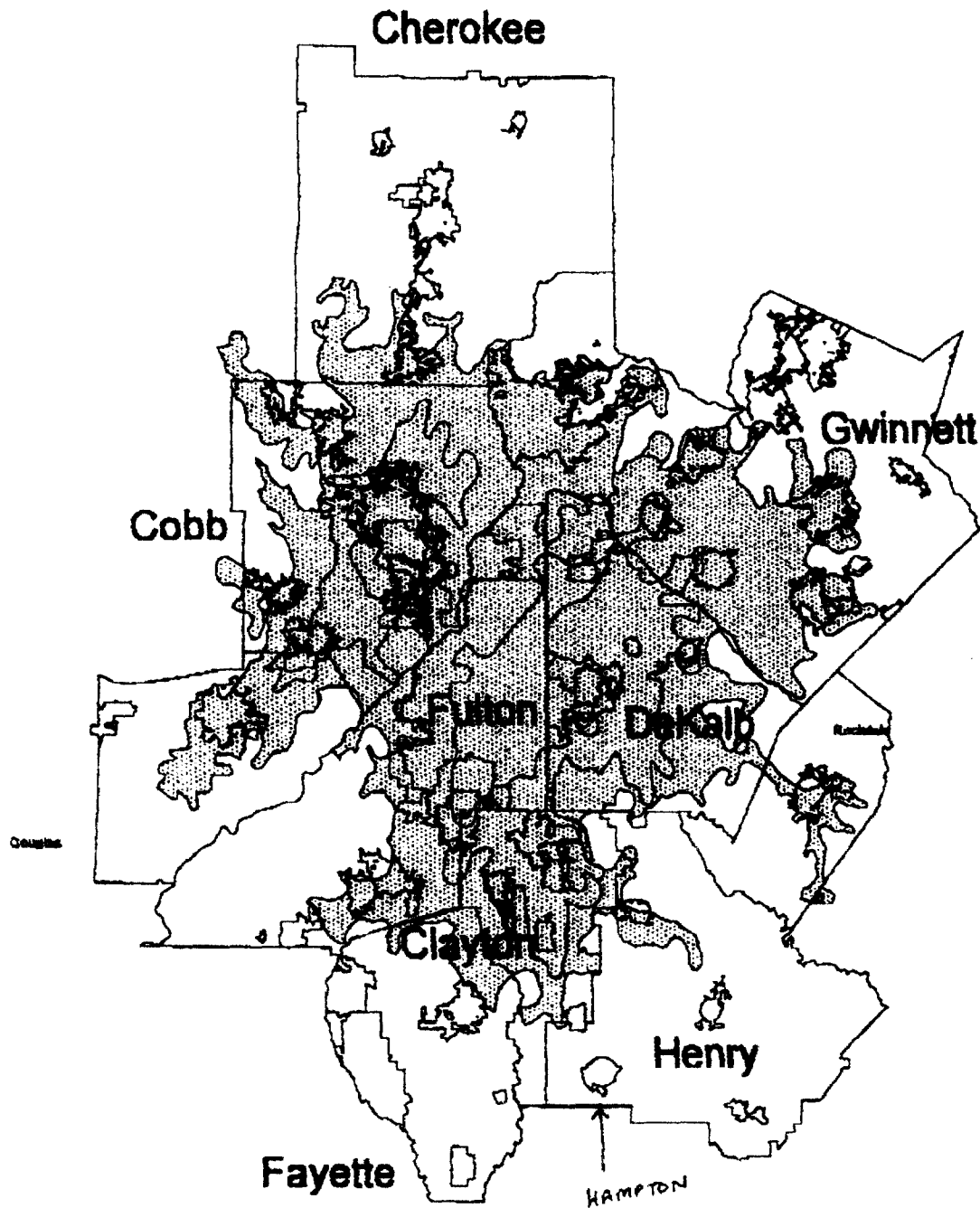
1. My name is Jim Skinner.
2. I am employed by the Atlanta Regional Commission, 3715 Northside Parkway, Atlanta, Georgia 30327.
3. My title is: Senior Planner For Research.
4. The community of Hampton, Georgia is not presently within the Atlanta Urbanized Area as defined in the 1990 Census by the U.S. Census Bureau.
5. We do not possess sufficient demographic information to determine with certainty that Hampton, Georgia will be included within the Atlanta Urbanized Area following the year 2000 Census.

I hereby declare, certify and state that the foregoing is true and accurate to the best of my knowledge, information and belief.

James L. Skinner
Signature

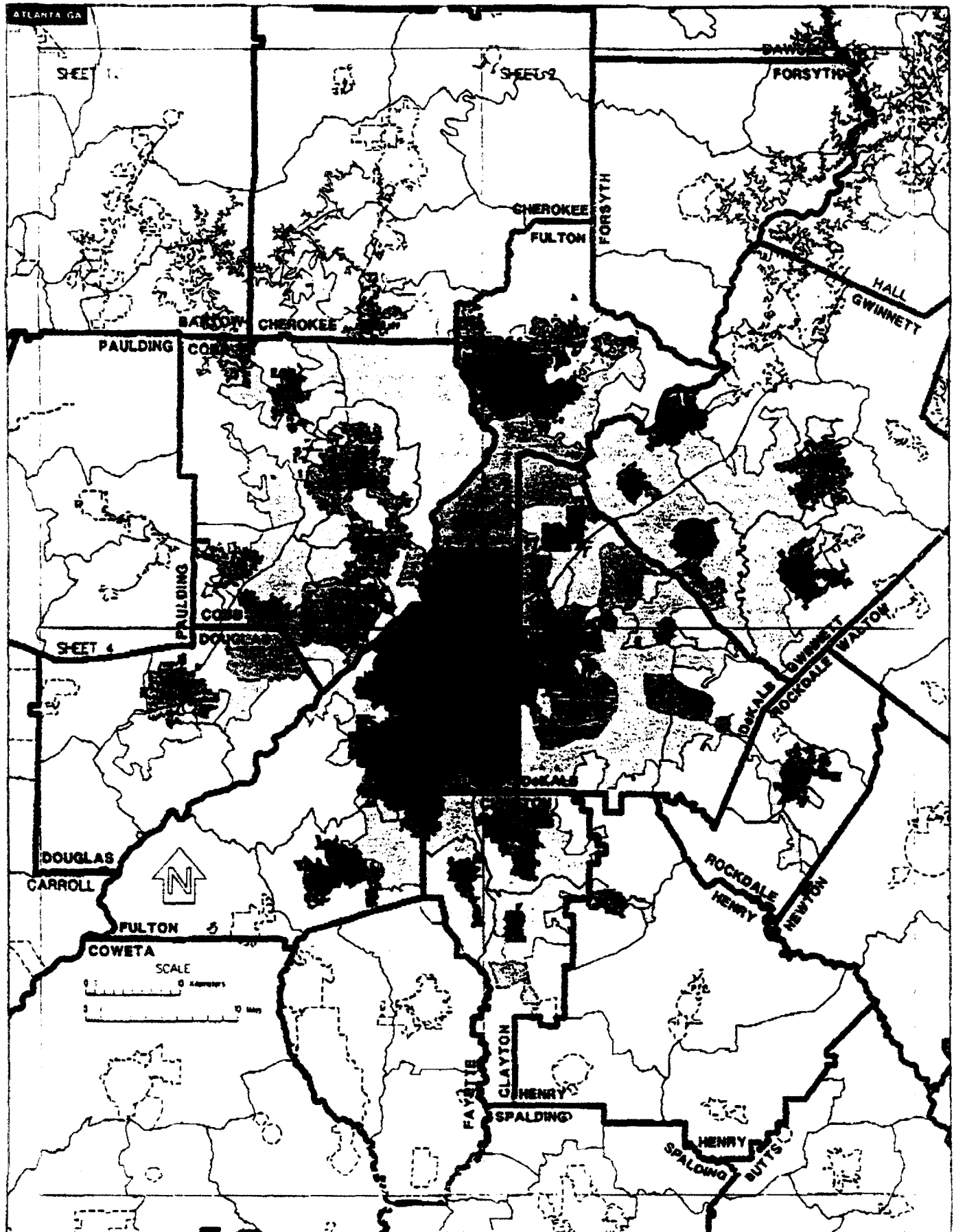
4/24/98
Date

1990 Atlanta Urbanized Area with ARC Region Overlay



1990

Urbanized Areas

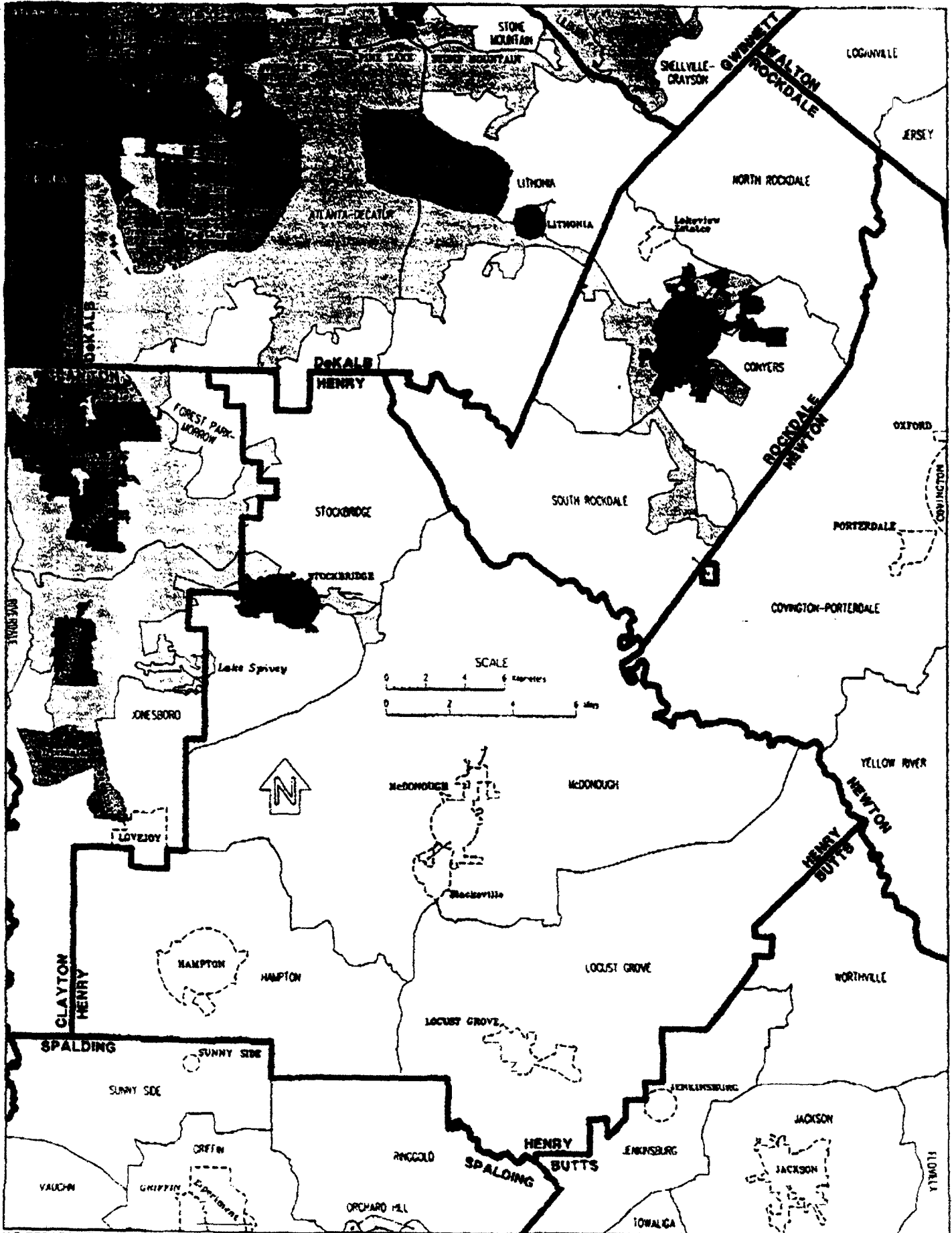


U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration Bureau of the Census

MAPS

GEORGIA G-13

Urbanized Areas



U.S. DEPARTMENT OF COMMERCE Economics and Statistics Administration Bureau of the Census

MAPS

GEORGIA G-17

Change in Urbanized Area 1950-1990 The Atlanta Region (10-County)

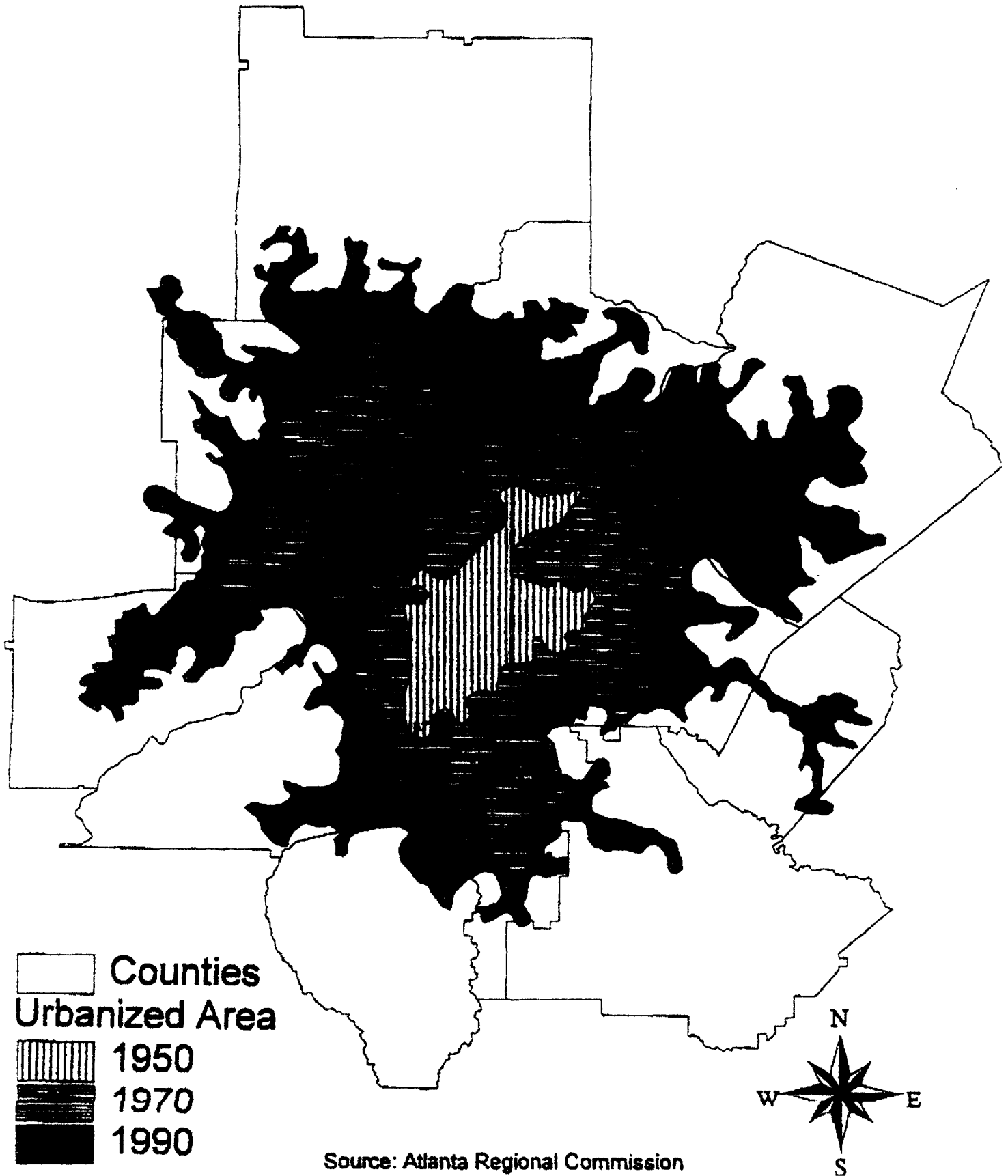


Exhibit 3



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of the Census
Washington, DC 20233-0001

April 27, 1998

Mr. Michael J. Golub
Bodzin & Golub, P. C.
Suite 329
1156 15th Street NW
Washington, D. C. 20005

Dear Mr. Golub:

Thank you for your inquiry regarding the city of Hampton, Georgia. The city of Hampton was not included in the 1990 Atlanta, Georgia Urbanized Area, and the Bureau of the Census will not be redefining urbanized areas until after receiving the results of Census 2000. Additionally, the criteria for defining urbanized areas for Census 2000 is presently undergoing review and may be revised.

If you have any further questions pertaining to Hampton's status, contact Dave Aultman of my staff. His telephone number is (301) 457-1099.

Sincerely

David E. Saldi (For)

JOEL L. MORRISON
Chief, Geography Division
Bureau of the Census

UNITED STATES DEPARTMENT OF COMMERCE

NEWS

Economic & Statistics Administration



EMBARGOED UNTIL: 10 A.M. EST, DECEMBER 3, 1997 (WEDNESDAY)

Public Information Office
301-457-3030/301-457-3670 (fax)
301-457-4067 (TDD)
e-mail: pio@census.gov

CB97-194

Kristin A. Hansen
301-457-2454

More People Left Than Moved Into Metro Areas in 1995-96,
Census Bureau Reports

A quarter of a million more people left the nation's metropolitan areas than moved into them during a 12-month period that ended in March 1996 the second time since the mid-1980s that metropolitan areas lost population due to migration, according to a report released today by the Commerce Department's Census Bureau.

"During most of the last decade, metro areas had about equal numbers of people moving in and out each year," said Kristin Hansen, the report's author. "Exceptions occurred in the 1992-1993 period, when metro areas experienced a net loss of 317,000 people, and during the mid-1980s, when they had net gains of from 300,000 to nearly half a million."

The report, Geographical Mobility: March 1995 to March 1996, P20-497, found that the movers from metro to nonmetro areas were no more likely to come from central cities than from the suburbs.

The study also showed that about 43 million Americans 16 percent of the population moved during the March 1995-March 1996 time frame. Most of the moves during the 1995-96 period were local: About two-thirds of movers (26.7 million) stayed in the same county, 8 million moved between counties within the same state, 6.5 million changed states and 1.4 million moved to the U.S. from abroad.

Other findings in the report:

- While metro areas as a whole had a net loss of residents, the cities and suburbs that comprise them experienced different migration patterns: Between 1995 and 1996, the central cities lost 2.4 million while the suburbs gained 2.2 million as the result of migration.
- The Northeast was the only region in the nation to experience a significant net change through internal U.S. migration, suffering a net loss of 234,000 residents. This occurred despite Northeasterners' being the most likely of persons in any region to stay put (only 12 percent moved between March 1995 and March 1996). Westerners, meanwhile, were the most apt to move (21 percent).

- Moving rates generally declined with age: Persons aged 20-29 years were the most likely movers (33 percent) during the survey period while those ages 55 and over were the least likely to be movers (less than 10 percent in each age group).
- Race and ethnic minorities moved more: Whites had lower overall rates of moving (16 percent) than either African Americans or Asian and Pacific Islanders (about 20 percent each). Persons of Hispanic origin had the highest move rate (23 percent).
- Renters were about four times more likely than homeowners to have moved during the period of the survey (34 percent versus 8 percent).

Estimates in this report come from data collected in March 1996 in the Current Population Survey (CPS) and are subject to sampling variability, as well as reporting and coverage errors. Some estimates are based on data collected for the CPS in earlier years.

One table showing preliminary data on mobility from the Current Population Survey for the March 1996 to March 1997 period is now available on the Internet at

<http://www.bls.census.gov/cps/pub/1997/mobility.htm>.

The remaining detailed mobility tables from the survey will be available next spring.

A faxed copy of the report may be obtained by calling the Public Information Office's 24-hour Fax-On-Demand service on 1-888-206-6463 and request document number 1263.

-X-

The Census Bureau pre-eminent collector and provider of timely, relevant, and quality data about the people and economy of the United States. In over 100 surveys annually and 20 censuses a decade, evolving from the first census in 1790, the Census Bureau provides official information about America's people, businesses, industries and institutions.

URBAN AND RURAL DEFINITIONS

Source: US Census Bureau
Released: Oct. 1995

URBAN AND RURAL

The Census Bureau defines "urban" for the 1990 census as comprising all territory, population, and housing units in urbanized areas and in places of 2,500 or more persons outside urbanized areas. More specifically, "urban" consists of territory, persons, and housing units in:

1. Places of 2,500 or more persons incorporated as cities, villages, boroughs (except in Alaska and New York), and towns (except in the six New England States, New York, and Wisconsin), but excluding the rural portions of "extended cities."
2. Census designated places of 2,500 or more persons.
3. Other territory, incorporated or unincorporated, included in urbanized areas.

Territory, population, and housing units not classified as urban constitute "rural." In the 100-percent data products, "rural" is divided into "places of less than 2,500" and "not in places." The "not in places" category comprises "rural" outside incorporated and census designated places and the rural portions of extended cities. In many data products, the term "other rural" is used; "other rural" is a residual category specific to the classification of the rural in each data product.

In the sample data products, rural population and housing units are subdivided into "rural farm" and "rural nonfarm." "Rural farm" comprises all rural households and housing units on farms (places from which \$1,000 or more of agricultural products were sold in 1989); "rural nonfarm" comprises the remaining rural.

The urban and rural classification cuts across the other hierarchies; for example, there is generally both urban and rural territory within both metropolitan and nonmetropolitan areas.

In censuses prior to 1950, "urban" comprised all territory, persons, and housing units in incorporated places of 2,500 or more persons, and in areas (usually minor civil divisions) classified as urban under special rules relating to population size and density. The definition of urban that restricted itself to incorporated places having 2,500 or more persons excluded many large, densely settled areas merely because they were not incorporated. Prior to the 1950 census, the Census Bureau attempted to avoid some of the more obvious omissions by classifying selected areas as "urban under special rules." Even with these rules, however, many large, closely built-up areas were excluded from the urban category.

To improve its measure of urban territory, population, and housing units, the Census Bureau adopted the concept of the urbanized area and delineated boundaries for unincorporated places (now, census designated places) for the 1950 census. Urban was defined as territory, persons, and housing units in urbanized areas and, outside urbanized areas, in all places, incorporated or unincorporated, that had 2,500 or more persons. With the following three exceptions, the 1950 census definition

of urban has continued substantially unchanged. First, in the 1960 census (but not in the 1970, 1980, or 1990 censuses), certain towns in the New England States, townships in New Jersey and Pennsylvania, and Arlington County, Virginia, were designated as urban. However, most of these "special rule" areas would have been classified as urban anyway because they were included in an urbanized area or in an unincorporated place of 2,500 or more persons. Second, "extended cities" were identified for the 1970, 1980, and 1990 censuses. Extended cities primarily affect the figures for urban and rural territory (area), but have very little effect on the urban and rural population and housing units at the national and State levels--although for some individual counties and urbanized areas, the effects have been more evident. Third, changes since the 1970 census in the criteria for defining urbanized areas have permitted these areas to be defined around smaller centers.

Documentation of the urbanized area and extended city criteria is available from the Chief, Geography Division, U.S. Bureau of the Census, Washington, DC 20233.

Extended City

Since the 1960 census, there has been a trend in some States toward the extension of city boundaries to include territory that is essentially rural in character. The classification of all the population and living quarters of such places as urban would include in the urban designation territory, persons, and housing units whose environment is primarily rural. For the 1970, 1980, and 1990 censuses, the Census Bureau identified as rural such territory and its population and housing units for each extended city whose closely settled area was located in an urbanized area. For the 1990 census, this classification also has been applied to certain places outside urbanized areas.

In summary presentations by size of place, the urban portion of an extended city is classified by the population of the entire place; the rural portion is included in "other rural."

URBANIZED AREA (UA)

The Census Bureau delineates urbanized areas (UA's) to provide a better separation of urban and rural territory, population, and housing in the vicinity of large places. A UA comprises one or more places ("central place") and the adjacent densely settled surrounding territory ("urban fringe") that together have a minimum of 50,000 persons. The urban fringe generally consists of contiguous territory having a density of at least 1,000 persons per square mile. The urban fringe also includes outlying territory of such density if it was connected to the core of the contiguous area by road and is within 1 1/2 road miles of that core, or within 5 road miles of the core but separated by water or other undevelopable territory. Other territory with a population density of fewer than 1,000 people per square mile is included in the urban fringe if it eliminates an enclave or closes an indentation in the boundary of the urbanized area. The population density is determined by (1) outside of a place, one or more contiguous census blocks with a population density of at least 1,000 persons per square mile or (2) inclusion of a place containing census blocks that have at least 50 percent of the population of the place and a density of at least 1,000 persons per square mile. The complete criteria are available from the Chief, Geography Division, U.S. Bureau of the Census, Washington, DC 20233.

Exhibit 4

DECLARATION

The undersigned does hereby declare, certify and state as follows:

1. I am the proprietor of the commercial business denoted below. My business is located in Hampton, Georgia, at the address indicated below.
2. I firmly believe that the community of Hampton, Georgia, is in need of its first local radio transmission service, which it presently does not have. Such a new radio station would enable me to advertise my business establishment on the radio. I do not place any advertising for my business establishment on any commercial radio stations which are licensed to Atlanta, Georgia, nor do I advertise on any television stations in Atlanta. I do not view Hampton, Georgia as part of the Atlanta, Georgia, market for my advertising purposes.

I hereby declare, certify and state that the foregoing is true and correct to the best of my knowledge, information and belief.

R. W. Higginbotham
[Signature]

R. W. Higginbotham
[Name printed]

Finish Line
[Name of business]

110 Woodsey RD
[Address of business]

Hampton, Georgia
30228
[Zip Code in Hampton, Georgia]

Executed on 7/22/98

DECLARATION

The undersigned does hereby declare, certify and state as follows:

1. I am the proprietor of the commercial business denoted below. My business is located in Hampton, Georgia, at the address indicated below.
2. I firmly believe that the community of Hampton, Georgia, is in need of its first local radio transmission service, which it presently does not have. Such a new radio station would enable me to advertise my business establishment on the radio. I do not place any advertising for my business establishment on any commercial radio stations which are licensed to Atlanta, Georgia, nor do I advertise on any television stations in Atlanta. I do not view Hampton, Georgia as part of the Atlanta, Georgia, market for my advertising purposes.

I hereby declare, certify and state that the foregoing is true and correct to the best of my knowledge, information and belief.

David P. Comer

[Signature]

David P. Comer

[Name printed]

Doctors Pizza

[Name of business]

76 Woolsey Rd.

[Address of business]

Hampton, Georgia

30228

[Zip Code in Hampton, Georgia]

Executed on _____.

DECLARATION

The undersigned does hereby declare, certify and state as follows:

1. I am the ^{MANAGER} ~~proprietor~~ of the commercial business denoted below. My business is located in Hampton, Georgia, at the address indicated below.
2. I firmly believe that the community of Hampton, Georgia, is in need of its first local radio transmission service, which it presently does not have. Such a new radio station would enable me to advertise my business establishment on the radio. I do not place any advertising for my business establishment on any commercial radio stations which are licensed to Atlanta, Georgia, nor do I advertise on any televisison stations in Atlanta. I do not view Hampton, Georgia as part of the Atlanta, Georgia, market for my advertising purposes.

I hereby declare, certify and state that the foregoing is true and correct to the best of my knowledge, information and belief.

Sharon L. Taepley
[Signature]

SHARON L. TAEPLEY
[Name printed]

World Video + TAN
[Name of business]

5 MAIN ST
[Address of business]

Hampton, Georgia
30228
[Zip Code in Hampton, Georgia]

Executed on _____.

DECLARATION

The undersigned does hereby declare, certify and state as follows:

1. I am the proprietor of the commercial business denoted below. My business is located in Hampton, Georgia, at the address indicated below.
2. I firmly believe that the community of Hampton, Georgia, is in need of its first local radio transmission service, which it presently does not have. Such a new radio station would enable me to advertise my business establishment on the radio. I do not place any advertising for my business establishment on any commercial radio stations which are licensed to Atlanta, Georgia, nor do I advertise on any television stations in Atlanta. I do not view Hampton, Georgia as part of the Atlanta, Georgia, market for my advertising purposes.

I hereby declare, certify and state that the foregoing is true and correct to the best of my knowledge, information and belief.

Guleen Smith
[Signature]

GULEEN SMITH
[Name printed]

HAIR BARN
[Name of business]

10 N.E. MAIN ST
[Address of business]

Hampton, Georgia
30228
[Zip Code in Hampton, Georgia]

Executed on

4/22/98.

DECLARATION

The undersigned does hereby declare, certify and state as follows:

1. I am the proprietor of the commercial business denoted below. My business is located in Hampton, Georgia, at the address indicated below.
2. I firmly believe that the community of Hampton, Georgia, is in need of its first local radio transmission service, which it presently does not have. Such a new radio station would enable me to advertise my business establishment on the radio. I do not place any advertising for my business establishment on any commercial radio stations which are licensed to Atlanta, Georgia, nor do I advertise on any television stations in Atlanta. I do not view Hampton, Georgia as part of the Atlanta, Georgia, market for my advertising purposes.

I hereby declare, certify and state that the foregoing is true and correct to the best of my knowledge, information and belief.

Carole B. Daniel
[Signature]

Carole B. Daniel
[Name printed]

Computer + Secretarial Services
[Name of business]

26 E. Main Street
[Address of business]

Hampton, Georgia

30228
[Zip Code in Hampton, Georgia]

Executed on 4-22-98